

Application No.: 09/683,613

REMARKS/ARGUMENTS

Claim 1 is amended to clarify the resulting structure of ribosome display. The support for the amendment can be found in, for example, paragraph 65. Applicants also amended Claims 1 and 12 to recited "wherein the linking comprises supplying more tags than the plurality of polypeptides in a primer pool and wherein the tags are not uniquely assigned to the polypeptides" and "wherein more tags are provided for the plurality of mRNAs in a primer pool and wherein the tags are not uniquely assigned the mRNAs" respectively. The support for this amendment can be found in, for example, paragraph 61. Applicants assert that no new matter is presented by these amendments and respectfully request entry of the same.

Attorney's Statement of the Substance of the Interview under 37 CFR § 1.133

Applicants' representatives thank the Examiner for the personal interview on December 14, 2004. Applicants' representative Wei Zhou and Leticia Block, and Examiner Cynthia Wilder participated in the interview.

Applicants' representatives and Examiner discussed the section 112 rejection and possible amendments to clarify the claim subject matter. The Examiner suggested amendment to clarify the relationship between the nucleic acid tags and mRNAs.

Claim Rejections under 35 USC § 112, second paragraph is obviated

Claim 1 is rejected for allegedly being indefinite. The Examiner alleges that it is unclear as to how the tags are coupled to the protein product. Applicants respectfully disagree. However, for the purpose of expediting the issuance of claims, Applicants have amended Claim 1 to recite "to form polypeptide-mRNA-tag complexes" to clarify that the tags are not the mRNAs.

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Claim Rejections under 35 USC § 102(b) is obviated

Claim 1 is rejected as allegedly being anticipated by Kuimelis et al (WO 99/51773). Applicants respectfully disagree with the Office Action. However, for the purpose of expediting the issuance of Claims, Applicants have amended Claim 1 to recite "wherein the linking comprises supplying more tags than the plurality of polypeptides in a primer pool and wherein the tags are not uniquely assigned to the polypeptides." The amended claims are directed to a method of tagging peptides without using target specific primers. Since Kuimelis et al. does not disclose supplying more tags than the plurality of polypeptides in a primer pool for tagging without target specific primers, this rejection of Claims under section 102 is obviated by the amendment.

Claim Rejections under 35 USC § 103(a)

Claims 1-21 are rejected as allegedly being unpatentable over Kuimelis et al and Gold et al (WO 93/0172) in view of Fodor et al (US 5,871,928). Claims 12-21 are rejected as allegedly being unpatentable over Baskerville et al (WO 99/54458) in view of Fodor et al (5,871,928).

Applicants respectfully disagree with the Office Action. However, for the purpose of expediting the issuance of claims, Applicants have amended Claims 1 and 12 to recite supplying more tags than the target mRNAs to be tagged. The amended claims are directed to a method of tagging peptides without using target specific tags. The cited references, individually or in combination, do not teach, suggest or motivates tagging peptides without using target specific tags. Therefore, this rejection of claims under 103(a) is also obviated.

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CONCLUSION

For these reasons, Applicants believe all pending claims are now in condition for allowance. If the Examiner has any questions pertaining to this application or feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 731-5000.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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